

THIRTY-FOURTH DAY
(Thursday, March 18, 1993)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Zaffirini.

Absent-excused: Madla, Whitmire.

A quorum was announced present.

The Reverend Nicholas M. Ibarra, Vicar, San Francisco de Asis Episcopal Church, Austin, offered the invocation as follows:

Almighty and ever living God, You are the fountain and source of all power. We humbly pray for You to direct the thoughts, words, and actions of Your servants gathered here; bless and empower them to serve faithfully and effectively in the role that You graciously called them. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Luna, Senator Madla was granted leave of absence for today on account of important business.

On motion of Senator Ellis, Senator Whitmire was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 487

On motion of Senator Zaffirini and by unanimous consent, Senator Montford will be shown as Co-author of S.B. 487.

CO-AUTHOR OF SENATE BILL 642

On motion of Senator Ellis and by unanimous consent, Senator Parker will be shown as Co-author of S.B. 642.

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate the honors class in Texas Government of Kilgore College and their instructor, Nelda Smith.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

House Chamber
March 18, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 398, Relating to exempting certain underground irrigation systems from the sales tax.

H.B. 546, Relating to an emergency order to protect a child.

H.B. 461, Relating to the creation, administration, powers, duties, operation, and financing of the Blanco County Underground Water Conservation District.

H.B. 554, Relating to the operations of the pardons and paroles division of the Texas Department of Criminal Justice; providing penalties.

H.B. 684, Relating to the fiscal year of general-law municipalities.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

(Senator Truan in Chair)

CAPITOL PHYSICIAN

Senator Turner was recognized and presented Dr. Robert Howard of College Station as the "Doctor for the Day."

The Senate welcomed Dr. Howard and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

BILL SIGNED

The Presiding Officer announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read:

S.B. 336

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

H.B. 119 to Committee on Criminal Justice.

H.B. 261 to Committee on Criminal Justice.

H.B. 294 to Committee on Economic Development.

H.B. 415 to Committee on State Affairs.

H.B. 564 to Committee on Natural Resources.

H.B. 864 to Committee on Economic Development.

(President in Chair)

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 18, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS BOARD OF MENTAL HEALTH AND MENTAL RETARDATION for terms to expire January 31, 1999:

EDWARD BRUNSON WEYMAN
#27 Saddle Club Drive
Midland, Texas 79705

Mr. Weyman is being reappointed.

ROSEMARY VIVERO NEILL
901 Mesita
El Paso, Texas 79902

Ms. Neill will be replacing Pattilou Dawkins of Amarillo, who resigned.

JANELLE SMITH JORDAN
10710 Archmont
Houston, Texas 77070

Ms. Jordan will be replacing Charles Cooper of Dallas, who resigned.

TO BE A MEMBER OF THE GULF COAST WASTE DISPOSAL AUTHORITY BOARD OF DIRECTORS for a term to expire August 31, 1994:

ROY E. BYERLY
5306 Summer Place
League City, Texas 77573

Mr. Byerly will be replacing Phillip Allen Werner of Galveston, whose term expired.

TO BE A MEMBER OF THE CENTRAL COLORADO RIVER AUTHORITY BOARD OF DIRECTORS for a term to expire February 1, 1997:

JIMMIE S. HOBBS
901 High Road
Coleman, Texas 76834

Mr. Hobbs will be replacing O. R. Lawlis of Coleman, whose term expired.

TO BE A MEMBER OF THE BOARD FOR LEASE - TEXAS DEPARTMENT OF CRIMINAL JUSTICE for a term to expire September 1, 1993:

ELLEN J. HALBERT
1407 Meadowmear
Austin, Texas 78753

Ms. Halbert will be replacing Allan Polunsky of San Antonio, whose term expired.

TO BE A MEMBER OF THE TEXAS JUVENILE PROBATION COMMISSION for a term to expire August 31, 1997:

VICTORIA HUNTER BALDWIN
5617 Bayton Loop
Austin, Texas 78745

Ms. Baldwin is being reappointed.

TO BE MEMBERS OF THE COMMISSION ON UNIFORM STATE LAWS for terms to expire September 30, 1998:

JUSTICE DAVID PEEPLES
335 Rockhill
San Antonio, Texas 78209

Justice Peeples is being reappointed.

MARILYN E. PHELAN
17 Brentwood Circle
Lubbock, Texas 79407

Ms. Phelan will be replacing Edmund R. Wood of Dallas, whose term expired.

TO BE A MEMBER OF THE ON-SITE WASTEWATER TREATMENT
ADVISORY COUNCIL for a term to expire September 1, 1993:

B. L. HARRIS, Ph.D.
3710 Windridge
Bryan, Texas 77802

Dr. Harris will be replacing Dr. Bobby Carlile of College Station, whose term expired.

TO BE MEMBERS OF THE ON-SITE WASTEWATER TREATMENT
ADVISORY COUNCIL for terms to expire September 1, 1994:

CHESTER VAUGHN
5646 Elm Valley Lane
Dallas, Texas 75232

Mr. Vaughn will be replacing Willis Leo Wood of Austin, whose term expired.

NANCY K. HANSON
4760 Caples Circle
El Paso, Texas 79903

Ms. Hanson will be replacing William W. Tenison of Dallas, whose term expired.

RICK GOLDBERG
P. O. Box 5814
Austin, Texas 78763

Mr. Goldberg will be replacing Samuel B. Vaughn, Jr., of Longview, whose term expired.

JAMES NEILSON BROOKES
830 S. Kentucky
Amarillo, Texas 79106

Mr. Brookes will be replacing Richard Thomas Fraser of Austin, whose term expired.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

PERMISSION TO INTRODUCE BILLS

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1277	S.B. 1282
S.B. 1278	S.B. 1283
S.B. 1279	S.B. 1284
S.B. 1280	S.B. 1285
S.B. 1281	

SENATE BILL 548 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 548, Relating to judicial review of ad valorem tax appraisals of oil and gas pipelines.

The bill was read second time.

Senator Henderson offered the following committee amendment to the bill:

Amend **S.B. 548** by:

1. Striking the colon on line 19 of page 1;
2. Striking lines 20 through 22 of page 1; and
3. Striking "(3)" on line 23 of page 1.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 548 ON THIRD READING

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 548** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Madla, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE RESOLUTION 449

Senator Truan offered the following resolution:

WHEREAS, Brian Nelson has served the Senate of the State of Texas in the invaluable capacity of honorary page; and

WHEREAS, Brian, in his outstanding conduct of those duties, has distinguished himself as an efficient, industrious, dependable, and most courteous young man; and

WHEREAS, The Senate of the State of Texas recognizes and appreciates the invaluable services Brian has provided, now, therefore, be it

RESOLVED, That the Senate of the State of Texas commend and applaud Brian Nelson for his excellent work and extend its deepest gratitude for his outstanding service to the State of Texas.

The resolution was read.

SENATE RESOLUTION 450

Senator Truan offered the following resolution:

WHEREAS, Elizabeth Nelson has served the Senate of the State of Texas in the invaluable capacity of honorary page; and

WHEREAS, Elizabeth, in her outstanding conduct of those duties, has distinguished herself as an efficient, industrious, dependable, and most courteous young woman; and

WHEREAS, The Senate of the State of Texas recognizes and appreciates the invaluable services Elizabeth has provided, now, therefore, be it

RESOLVED, That the Senate of the State of Texas commend and applaud Elizabeth Nelson for her excellent work and extend its deepest gratitude for her outstanding service to the State of Texas.

The resolution was read.

SENATE RESOLUTION 451

Senator Truan offered the following resolution:

WHEREAS, Christina Nelson has served the Senate of the State of Texas in the invaluable capacity of honorary page; and

WHEREAS, Christina, in her outstanding conduct of those duties, has distinguished herself as an efficient, industrious, dependable, and most courteous young woman; and

WHEREAS, The Senate of the State of Texas recognizes and appreciates the invaluable services Christina has provided, now, therefore, be it

RESOLVED, That the Senate of the State of Texas commend and applaud Christina Nelson for her excellent work and extend its deepest gratitude for her outstanding service to the State of Texas.

The resolution was read.

SENATE RESOLUTION 452

Senator Truan offered the following resolution:

WHEREAS, Michelle Nelson has served the Senate of the State of Texas in the invaluable capacity of honorary page; and

WHEREAS, Michelle, in her outstanding conduct of those duties, has distinguished herself as an efficient, industrious, dependable, and most courteous young woman; and

WHEREAS, The Senate of the State of Texas recognizes and appreciates the invaluable services Michelle has provided, now, therefore, be it

RESOLVED, That the Senate of the State of Texas commend and

applaud Michelle Nelson for her excellent work and extend its deepest gratitude for her outstanding service to the State of Texas.

The resolution was read.

SENATE RESOLUTION 453

Senator Truan offered the following resolution:

WHEREAS, Jennifer Nelson has served the Senate of the State of Texas in the invaluable capacity of honorary page; and

WHEREAS, Jennifer, in her outstanding conduct of those duties, has distinguished herself as an efficient, industrious, dependable, and most courteous young woman; and

WHEREAS, The Senate of the State of Texas recognizes and appreciates the invaluable services Jennifer has provided, now, therefore, be it

RESOLVED, That the Senate of the State of Texas commend and applaud Jennifer Nelson for her excellent work and extend its deepest gratitude for her outstanding service to the State of Texas.

The resolution was read.

On motion of Senator Harris of Dallas and by unanimous consent, the names of the Lieutenant Governor and Senators were added to S.R. 449, S.R. 450, S.R. 451, S.R. 452, and S.R. 453 as signers thereof.

On motion of Senator Truan, S.R. 449, S.R. 450, S.R. 451, S.R. 452, and S.R. 453 were adopted by a viva voce vote.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate her husband, Mike Nelson, along with their children, Brian, Elizabeth, Christina, Michelle, and Jennifer.

The Senate welcomed these guests.

(Senator Parker in Chair)

SENATE BILL 477 ON SECOND READING

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 477, Relating to the powers and duties of the prosecutors for the state in El Paso County.

The bill was read second time.

Senator Rosson offered the following committee amendment to the bill:

Amend S.B. 477 as follows:

On page 3, line 4, delete the new Subsection (e).

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Rosson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 477 ON THIRD READING

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 477 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Madla, Whitmire.

The bill was read third time and was passed by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 512 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 512, Relating to familial relationships in cases of egg or embryo donation.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 512 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 512 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Madla, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 440 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 440, Relating to authorization for Parks and Wildlife to receive fines for failure to appear and to the donation of seized aquatic life and wildlife; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 440 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional

Rule requiring bills to be read on three several days be suspended and that **S.B. 440** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Madla, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 256 ON SECOND READING

On motion of Senator Shelley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 256, Relating to a plea of guilty or nolo contendere in a misdemeanor case.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 256 ON THIRD READING

Senator Shelley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 256** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Madla, Whitmire.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 274 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 274, Relating to restroom facilities in places where the public congregates.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend **S.B. 274** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Subchapter D, Chapter 341, Health and Safety Code, is amended by adding Section 341.068 to read as follows:

Sec. 341.068. RESTROOM AVAILABILITY WHERE THE PUBLIC CONGREGATES. (a) Publicly and privately owned facilities where the public congregates shall be equipped with sufficient temporary or permanent restrooms to meet the needs of the public at peak hours.

(b) The board shall adopt rules to implement Subsection (a), including a rule that in providing sufficient restrooms a ratio of not less than 2:1 women's-to-men's restrooms or other minimum standards established in consultation with the Texas State Board of Plumbing Examiners shall be

maintained if the use of the restrooms is designated by gender. The rules shall apply to facilities where the public congregates and on which construction is started on or after January 1, 1994, or on which structural alterations, repairs, or improvements exceeding 50 percent of the entire facility are undertaken on or after January 1, 1994.

(c) In this section:

(1) "Facilities where the public congregates" means sports and entertainment arenas, stadiums, community and convention halls, specialty event centers, and amusement facilities. The term does not include hotels, churches, restaurants, bowling centers, public or private elementary or secondary schools, or historic buildings.

(2) "Restroom" means toilet, chemical toilet, or water closet.

(d) The board may adopt rules consistent with Subsection (c)(1) to define "facilities where the public congregates."

SECTION 2. This Act takes effect September 1, 1993.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 274 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 274 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Madla, Whitmire.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 586 ON SECOND READING

On motion of Senator Shelley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 586, Relating to the authority of the Harris County Flood Control District to provide for or participate in the development, operation, and maintenance of certain recreational and environmental improvements in connection with flood control facilities and projects.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 586 ON THIRD READING**

Senator Shelley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 586 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Madla, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

SENATE BILL 195 ON SECOND READING

Senator Haley moved to suspend the regular order of business to take up for consideration at this time:

S.B. 195, Relating to franchise agreements for fast food restaurants; providing penalties.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Barrientos, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Lucio, Luna, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sims, Truan, Turner, West, Zaffirini.

Nays: Bivins, Henderson, Leedom, Sibley, Wentworth.

Absent-excused: Madla, Whitmire.

The bill was read second time.

(Senator Parker in Chair)

(President in Chair)

(Senator Ellis in Chair)

(President in Chair)

Senator Haley offered the following amendment to the bill:

Amend **S.B. 195** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Title 2, Business & Commerce Code, is amended by adding Chapter 20 to read as follows:

CHAPTER 20. FAST FOOD RESTAURANT FRANCHISES.

Sec. 20.01. PURPOSE. The purpose of this chapter is to promote the public's interest in the fair, efficient, and competitive franchising of the fast food restaurant business within this state by establishing minimum standards of conduct in such franchise relationships.

Sec. 20.02. DEFINITIONS. In this chapter:

(1) "Fast food restaurant" means a restaurant where food and beverages are sold for consumption on or off the premises and delivered to the customer after the customer places an order with a cashier at a counter, drive-through window or by telephone. The term does not include a

restaurant where a majority of the customers are seated at tables before a person waiting on the tables takes their orders, nor does the term include cafeterias or stores generally considered to be grocery markets, supermarkets, convenience stores, superettes or similar retail stores.

(2) "Franchise" means a written agreement which provides all of the following:

(i) grants the right to distribute goods or provide services under a marketing plan prescribed or suggested in substantial part by the franchisor;

(ii) requires payment, directly or indirectly, of a franchise fee to a franchisor or its affiliate; and

(iii) allows the franchise business to be substantially associated with the franchisor's trademark, service mark, trade name, logotype, advertisement, or other commercial symbol of or designating the franchisor or its affiliate.

Sec. 20.03. DUTY OF GOOD FAITH. Each fast food restaurant franchise includes an implied duty of good faith in its performance and enforcement. "Good faith" means honesty in fact, the observance of reasonable commercial and ethical standards of fair dealing in the trade, faithfulness to an agreed common purpose and consistency with the justified expectations of the parties to the franchise agreement. The duty of good faith obligates a party to a fast food restaurant franchise, in making a decision that directly affects the fast food restaurant franchise or the business conducted under the fast food restaurant franchise, to refrain from conduct that impairs or injures the right of another party to the franchise agreement to receive the reasonably anticipated benefits of the fast food restaurant franchise. The exercise of rights and the performance of obligations in the manner expressly authorized or contemplated by a franchise agreement shall not be a breach of this Act.

Sec. 20.04. RIGHT OF FREE ASSOCIATION. A fast food restaurant franchisor shall not:

(1) restrict or inhibit, or attempt to restrict or inhibit, directly or indirectly, the right of a fast food restaurant franchise to seek legislative redress or to freely associate with other fast food restaurant franchisees for any lawful purpose; or

(2) retaliate against a fast food restaurant franchisee for seeking legislative redress or participating in a trade association for a lawful purpose.

Sec. 20.05. CHOICE OF LAW. Notwithstanding any condition, stipulation or provision of a franchise agreement to the contrary, the provisions of this act apply in all actions and proceedings concerning a fast food restaurant franchise for which the franchisee's business is located in this state.

Sec. 20.06. JUDICIAL REMEDIES. (a) If a fast food franchisor or franchisee violates this chapter, the aggrieved party may maintain a civil action in a court in the county in which the franchisee's franchised outlet is located. If the franchisee has outlets in more than one county, the action must be brought in the county in which the outlet relating to the violation or disagreement is located.

(b) The aggrieved party may maintain an action under Subsection (a) of this section for actual damages and other appropriate relief, including costs and attorney's fees. In addition, exemplary damages not to exceed four times actual damages may be recovered where a violation of this chapter is shown to have been committed with malice.

(c) For purposes of this chapter, "malice" means conduct that is intended by the defendant to cause substantial harm to the aggrieved party.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Haley and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Bivins, Henderson, Sibley, and Wentworth asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 195 ON THIRD READING

Senator Haley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 195 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Barrientos, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Luna, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sims, Truan, Turner, Wentworth, West, Zaffirini.

Nays: Bivins, Leedom, Sibley.

Absent-excused: Madla, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 11.

Yeas: Armbrister, Barrientos, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Luna, Montford, Nelson, Parker, Ratliff, Rosson, Sims, Truan, Turner, Zaffirini.

Nays: Bivins, Henderson, Leedom, Lucio, Moncrief, Patterson, Shapiro, Shelley, Sibley, Wentworth, West.

Absent-excused: Madla, Whitmire.

STATEMENT OF LEGISLATIVE INTENT

Senators Haley, Parker, and Harris of Dallas submitted the following statement of legislative intent:

**STATEMENT OF LEGISLATIVE INTENT REGARDING
THE FLOOR AMENDMENT TO SENATE BILL 195**

It is our intention to acknowledge the disparate bargaining position of fast food franchisees in comparison to fast food franchisors in their contractual relationships. In recognition of the predatory practices and abuses that have sprung from this disparity, the floor amendment to **S.B. 195** is intended to establish minimum standards of conduct in fast food franchise relationships and to provide legal remedies to the fast food franchisee or franchisor for violation of such standards. We do not intend, however, that the remedies set forth in the floor amendment to **S.B. 195** limit the application of any other Texas law to disputes regarding a Texas fast food franchise.

/s/Senator Haley, Author

/s/Senator Parker, Co-Author

/s/Senator Harris of Dallas, Co-Author

**COMMITTEE SUBSTITUTE
SENATE BILL 596 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 596, Relating to the requirement that the chief justice deliver a state of the judiciary message to the legislature.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 596 ON THIRD READING**

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 596** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Madla, Whitmire.

The bill was read third time and was passed by a viva voce vote.

MESSAGE FROM THE HOUSE

House Chamber
March 18, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 100, Congratulating Ruth Rich on her 80th birthday.

H.C.R. 102, Inviting the people of the Republic of Ghana to join Texas in friendship and commerce.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time, and referred to the committees indicated:

S.B. 1277 by Truan Economic Development
Relating to increased civil penalties for deceptive and fraudulent practices against elderly consumers.

S.B. 1278 by Truan Health and Human Services
Relating to the regulation of lead-related activities; providing penalties.

S.B. 1279 by Parker Natural Resources
Relating to the petroleum storage tank program.

S.B. 1280 by Parker Finance
Relating to fees adopted by the Texas Animal Health Commission.

S.B. 1281 by Parker Natural Resources
Relating to bounties for predatory animals.

S.B. 1282 by Parker Criminal Justice
Relating to the jurisdiction of the juvenile courts and criminal courts for certain persons.

S.B. 1283 by Parker Jurisprudence
Relating to disclosure of certain information by the State Commission on Judicial Conduct.

S.B. 1284 by Bivins Criminal Justice
Relating to the fingerprinting and photographing of certain children.

S.B. 1285 by Ellis Intergovernmental Relations
Relating to the forfeiture of certain property used in violations of the Texas Litter Abatement Act.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate:

H.C.R. 28

MEMORIAL RESOLUTIONS

S.R. 442 - By Henderson: In memory of Dr. Jerome Nathaniel Sherman of Houston.

S.R. 444 - By Turner: In memory of Delwin Rohde of Brenham.

S.R. 445 - By Turner: In memory of Louise P. Dyer.

S.R. 447 - By Turner: In memory of Jamie Ann Siegmund.

CONGRATULATORY RESOLUTIONS

H.C.R. 62 - (Bivins): Congratulating Barbara B. Yarbrough on being named the Texas Classroom Teachers Association's Faculty Representative of the Year.

S.R. 441 - By West: Recognizing the Dallas Lincoln High School boys basketball team for winning the Class 4A state basketball championship.

S.R. 443 - By Ellis: Commending Juan Roberto Gonzalez, Deputy Consul General of Mexico in Houston, for his contributions to the citizens of our two countries.

S.R. 446 - By Turner: Congratulating Mr. and Mrs. Raymond Schultz, Sr., on the occasion of their 50th wedding anniversary.

S.R. 448 - By Truan: Recognizing the Center for the Hispanic Arts on the occasion of its grand opening in Corpus Christi.

S.R. 455 - By Sibley: Commending John M. Carney, Commander-in-Chief of the Veterans of Foreign Wars, for his leadership and efforts on behalf of the safety and welfare of American citizens.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 10:39 a.m. adjourned until 11:00 a.m. Monday, March 22, 1993.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

March 17, 1993

STATE AFFAIRS — S.B. 753 (Amended)

ECONOMIC DEVELOPMENT — C.S.S.B. 405

EDUCATION — S.B. 637 (Amended), S.B. 591, S.B. 640, C.S.S.B. 104, C.S.S.B. 579

INTERGOVERNMENTAL RELATIONS — C.S.S.B. 506, C.S.S.B. 391, S.B. 461, S.B. 342 (Amended), S.B. 546, S.B. 530 (Amended), C.S.S.B. 149, C.S.S.B. 282

EDUCATION — C.S.S.B. 487

March 18, 1993

FINANCE — C.S.S.B. 128

HEALTH AND HUMAN SERVICES — S.B. 208 (Amended)

SENT TO GOVERNOR

(March 18, 1993)

S.B. 336

THIRTY-FIFTH DAY

(Monday, March 22, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend John Musgrave, St. Luke's Episcopal Church, Austin, offered the invocation as follows:

Almighty God, You are the giver of life and the source of all wisdom and knowledge. Grant that the deliberations and decisions which are today undertaken by this body may be so guided by Your spirit that they will serve to further justice, increase peace, and promote the well-being of all the people of this great state; and all this to the glory and honor of Your great and holy name. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 18, 1993, was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE JOINT RESOLUTION 14

On motion of Senator Wentworth and by unanimous consent, Senator Bivins will be shown as Co-author of S.J.R. 14.

CO-AUTHOR OF SENATE BILL 373

On motion of Senator Zaffirini and by unanimous consent, Senator Patterson will be shown as Co-author of S.B. 373.

CO-AUTHOR OF SENATE BILL 458

On motion of Senator Haley and by unanimous consent, Senator Nelson will be shown as Co-author of S.B. 458.

CO-AUTHOR OF SENATE BILL 530

On motion of Senator Shelley and by unanimous consent, Senator Whitmire will be shown as Co-author of S.B. 530.